

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION**

SUSANNA SWAY, Plaintiff, vs. KAYLEE DAVENPORT, STEVEN DAVENPORT and JAMES DERFLINGER, Defendant.	NO.: 3:12cv381
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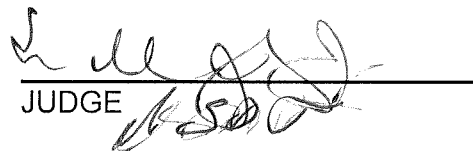
**AGREED ORDER OF DISMISSAL OF
TRAVELERS PERSONAL SECURITY INSURANCE COMPANY, ONLY**

IT APPEARS to the Court as evidenced by the signatures of counsel for the parties below, that Defendant Steven Davenport has applicable liability insurance limits in this cause with respect to the motor vehicle accident of April 21, 2011. Accordingly, the parties hereto are in agreement that it is appropriate for Travelers Personal Security Insurance Company, only, to be dismissed from this cause with regard to the accident of April 21, 2011, and the provisions that if, for any reason hereafter, the liability insurance carrier for the Defendant denies coverage to Defendant Steven Davenport, and/or if the Defendant Steven Davenport's insurance company is not able to provide liability insurance in this cause, then, in that event, the Plaintiff shall be allowed to renew her uninsured/underinsured motorists claim against Travelers Personal Security Insurance Company with regard to the accident of April 21, 2011, only; and, in that event, Travelers Personal Security Insurance Company shall be allowed to conduct any necessary discovery pursuant to Tennessee Code Annotated §56-7-1206 concerning said accident.

This order does not preclude Travelers Personal Security Insurance Company from pursuing its subrogation interest for MPC benefits paid to or on behalf of the plaintiff with regard to the accident of April 21, 2011, only.

It is therefore, ORDERED that the Complaint in this cause be, and hereby is dismissed without prejudice to the Plaintiff as it pertains to Travelers Personal Security Insurance Company, only, the uninsured/underinsured motorist carrier, concerning the motor vehicle accident which occurred on April 21, 2011; and it is further ORDERED that in the event the liability insurance carrier for Defendant Steven Davenport, for whatever reason, denies coverage to Defendant Steven Davenport with regard to the accident of April 21, 2011, only, and/or if Defendant Steven Davenport's insurance company is not able to provide liability insurance in this cause, then, in that event, the Plaintiff shall be allowed to renew their uninsured/underinsured motorists claim against Travelers Personal Security Insurance Company with respect to the motor vehicle accident of April 21, 2011, only. Any time limitations of action by law, statute, insurance policy or otherwise, are hereby waived by Travelers Personal Security Insurance Company shall have the right to conduct any necessary discovery in this cause pursuant to Tennessee Code Annotated §56-7-1206, prior to the case being tried. All other rights and remedies available to Travelers Personal Security Insurance Company with regard to the accident which occurred on April 21, 2011, only, are reserved.

ENTERED this 22nd day of August, 2012.


JUDGE